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SUBJECT: IRAQ'S COUNCIL OF REPRESENTATIVES

Classified By: Ambassador Ryan C. Crocker for reasons 1.4(b) and (d).

SUMMARY

11. (C) Its powerful constitutional role notwithstanding, Iraq's parliament remains a weak institution. Its problems are Iraq's problems: deep-seated sectarian, ethnic and personal animosities that inhibit and frequently prevent compromise, cooperation and agreement. Given the magnitude of these problems, the fact that they are passing legislation at all, however flawed the process and the result, is encouraging. The results of the term that ended on February 13 give further cause for hope that a process of turning away from confrontation and towards cooperation is taking place. The more the COR can serve as an incubator for proposals that cross sectarian and ethnic divides, the better off this country will be. For our part, whatever we -- in concert with others -- invest in encouraging and supporting the COR will be effort well-spent. This cable provides our assessment of the Council of Representatives at this stage of Iraq's new democracy, and in paragraph 8, provides a capsule overview of USG programs aimed at assisting the COR. End Summary.

OVERVIEW

12. (C) The COR is a unicameral body that has 275 members. The constitution gives it very broad powers; for instance, it elects the president and vice presidents and must confirm the prime minister and the other ministers, and it can remove any of them. The representatives were elected in December 2005 for a four-year term and sworn in the following March. The sectarian/ethnic make up of the COR closely resembles that of the nation, with an Arab Shi'a majority, Arab Sunni and Kurd portions hovering around 20 percent, and the balance made up of minority groups (e.g., Turkmen). About 25 percent of the COR members are women. The COR has two constitutionally mandated regular terms of four months each, from March through June and from September through December.

13. (U) Iraq's parliament, the Council of Representatives (COR), was in session 54 times in the term that began on September 10. It concluded the term in dramatic fashion on February 13 with passage of an omnibus package encompassing hotly debated bills on provincial powers and amnesty along with the 2008 general budget. This year, as it did a year ago, the COR extended its term into January and then February in order to pass the federal budget, a constitutional requirement. PM Maliki spoke at the parliament at the beginning of its term. In the ensuing months the COR passed dozens of measures, some of them important but most of them on small-bore issues. A quorum -- 138 members -- was present more often than not, and in general, if work stopped due to lack of a quorum, it was because one or more political blocs staged a walkout as a parliamentary maneuver to preclude progress on a specific agenda item. However, poor attendance is the norm and on average, more than 100 members were absent

on any given day in which the COR was in session.

¶4. (C) The COR meets in the former Convention Center building next to the Al-Rasheed Hotel (where many members lodge) in the International Zone. While there is talk about moving back to the former National Assembly building or erecting an entirely new facility, action on that is a long way away. In the meantime, members make do in a makeshift structure where few of them have individual offices, with staffs made up mostly of bodyguards and where some basic services are either barely functional or not working at all. These irritations notwithstanding, in other ways the members lead a charmed life. Their official salaries are close to nine thousand dollars per month along with a seven thousand dollar expenses stipend. A core group -- perhaps a quarter of the total membership -- are active, committed and hard working. Most, however, coast. Of these latter, many appear regularly for the two- or three-hour sessions but say little and contribute less to committee or other work of the COR. Others limit their participation to occasional appearances in sessions. A few, including bloc leaders such as former prime ministers Allawi and Jaafari, never show up at all. Efforts by the leadership to compel attendance have been largely ignored.

COR LEADERSHIP

¶5. (C) The COR has a three-headed Speaker's Council: the Speaker, Mahmoud Mashadani (Sunni); First Deputy Speaker Sheikh Khaled Al-Attiya (Shi'a); and Second Deputy Speaker Aref Tefour (Kurd). Speaker Mashadani, who very nearly lost his position last summer over his erratic stewardship, now appears to have a firm grip on his seat. This is despite an emotional, irascible, sometimes irrational leadership style

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that is long on showmanship and short on order and decorum. But Mashadani can be energetic and effective in pushing legislation through the unruly COR, something he demonstrated during the vote on the Accountability and Justice draft in January. Another point in Mashadani's favor: though a member of the Sunni bloc Tawafuq, he does try to maintain a non-partisan and evenhanded approach, a point of pride for him that he often will bring up in private meetings. In marked contrast to the theatrical Mashadani, First Deputy Speaker Al-Attiya is a sober, purposeful and serious-minded lawmaker, the workhorse of the COR. It is Al-Attiya and his staff who guide and propel the day-to-day work of the Council, doing everything from getting the agenda ready for each day's session to pulling together meetings with government ministers to iron out differences over legislation. Critics of Al-Attiya, while acknowledging his hard work and diligence, see him as too closely tied to the sectarian Shi'a agenda, and too willing to toe the line of the Maliki government. Aref Tefour, the Kurd member of the troika, rarely says anything and usually appears detached from the proceedings. Tefour's aloof stance does the Kurds no favors, since it is a daily reminder of Kurdish estrangement from the central government, Speaker Mashadani himself has made that point about his second deputy, along with others.

COR ACTIONS

¶6. (C) As the COR term drew to a close, the most vivid and publicly visible, if not the most consequential, example of its work during this session was the new national flag. The noteworthy feature of the new design is the disappearance of the three stars that have adorned the flag since 1963, but which came to be associated with the Ba'ath regime. The flag is to be used during this year, to be replaced by a permanent new banner in 2009. It was approved by the COR on January 22 and inaugurated by PM Maliki on February 5. It is a flag that the Kurds are willing to fly in their region, a small but important symbolic step forward. The COR acted on other

more weighty issues highlighted below, with some passed and some passed over. By volume, the most noteworthy actions of the COR were rescissions of acts by the Saddam-era Revolutionary Command Council, with over two dozen of those approved by the members. The members voted on several international agreements during the term, with the Climate Change Agreement/Kyoto Protocol, the Vienna Agreement on the Ozone Layer, and the Chemical Weapons Convention among them. Of more immediate benefit to Iraq, the COR also acted to finalize additional parts of a massive Japanese government loan. One important domestic piece of legislation that was approved was a criminal justice code for members of the security forces.

17. (C) Most significantly, the term that began on September 10 made progress on addressing national reconciliation via important pieces of legislation. It is not an overstatement to describe the overall result as historic. The COR took up three pieces of legislation discussed by leaders in their August 26 communique: Accountability and Justice, Provincial Powers, and a General Amnesty. It passed the first in January, and the other two in mid-February before going out of session. The Amended Unified Pension Law restored pension rights to former civil servants without regard to party affiliation. The Accountability and Justice Law struck a compromise between those who sought further retribution against Ba'ath party members and those who sought to bring Sunni Arabs back in. And on the final day of the term, after months of wrangling, the COR demonstrated that a democratic political process can work in Iraq. Deeply divided over provisions of all three laws, the major blocs reached a compromise that allowed all to claim a victory. Sunni interests were served by passage of an Amnesty Law that may help bring the Sunni Tawafuq bloc back into government. Kurdish interests in protecting autonomous rights for the KRG were protected in the Budget Bill. The Shi'a Alliance held together in the face of significant conceptual differences over the nature of decentralized power in Iraq. All five of these reconciliation benchmark bills contain flaws, and undoubtedly their effect on underlying ethnic and sectarian divisions will depend greatly on implementation and follow-through. Nevertheless, the COR has vindicated itself against those who see it as a catalyst for instability by proving that it has the capacity to solve problems that arise out of Iraq's demographic and political realities.

USG Programs of Assistance to the COR

18. (SBU) The Embassy Political Section (POL) and USAID provide complementary capacity building and technical assistance to the Council of Representatives. POL programs are administered through the Constitutional and Legislative

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Affairs Unit (CLA) within the POL section, and via DRL-funded governance programs overseen by POL and carried out by NDI, IRI, and USIP. The POL CLA unit directed by April Powell-Willingham has the specific mission to provide targeted technical assistance aimed at improving the ability of the core executive and legislative units to draft and pass legislation. CLA works solely with the GOI institutions involved in the "legislative stream" to provide direct legal and drafting technical assistance on specific legislative projects and legal issues. CLA's "quick start" program will launch in March and will work with the COR in the short-term to fill gaps in essential areas of drafting benchmark legislation such as the elections law and hydrocarbons law. This program is narrowly focused on specific legislation. DRL-funded programs are overseen by Senior Coordinator for Democracy Promotion Richard Riley and are primarily carried out by NDI, IRI and USIP. These programs are currently in progress at the COR via IRI's Research Directorate and at NDI and IRI's training facilities located in Erbil. NDI and IRI programs focus on skills training for COR members and for the leadership and members of Iraq's political parties. USIP

provides assistance and training to the COR's Constitutional Review Committee which is revisiting decisions made in the initial constitutional drafting process and also developing draft laws for those provisions of the constitution that require implementing legislation. USAID's Democracy and Governance Office headed by Julie Koenen-Grant, is developing a major long-term legislative strengthening program for the COR scheduled to come on line by the end of 2008. Still in the design phase, this program will develop the COR's law-making and executive- and budget-oversight functions and address in some fashion Speaker Mashadani's request for establishment of an "institute" in the COR that provides training and services to members and staff. In addition, USAID's MSI-Tatweer program provides general institutional strengthening in some GOI law-making institutions other than the COR.

COMMENT

19. (C) Its powerful constitutional role notwithstanding, Iraq's parliament remains a weak institution. Its problems are Iraq's problems: deep-seated sectarian, ethnic and personal animosities that inhibit and frequently prevent compromise, cooperation and agreement. There are fault lines everywhere and the underlying tensions are enormous. For the most part, on a personal level the members seem to deal with each other civilly, even amicably (although there are members who are like COR viruses, whose mission appears to be to do ill). While occasionally a spark will set off explosive acrimony, the COR sessions are usually under control and the members get through them peaceably enough. But that surface camaraderie among individuals masks the distrust that they have toward each other as groups. The direct result of that distrust is the meager output by the Council and the uncertain impact of many of the flawed laws actually passed. Instead of considering the possibility that a measure might be mutually beneficial, the instinctive reaction among most -- although not all -- members is to see something that benefits another group as detrimental to his or her own group's interests. The COR therefore winds up with lowest common denominator or contradictory legislation, actions that have so little impact that everybody can allow them to pass. The plethora of Revolutionary Command rescissions is one example. Another is the regular flow of measures to compensate individuals who are victims of past wrongs. But even these well-meaning, apple pie-type initiatives have to run the ethno/sectarian gauntlet, often adding more victims of other wrongs as they go through the legislative process. Watching this phenomenon at work, Speaker Mashadani remarked that perhaps the country needs an omnibus victims compensation measure that stretches back to the military coup that overthrew the monarchy in 1958. Underneath the sarcasm, Mashadani was making a serious point: get over the obsession with victimization and move on.

110. (C) The COR's difficulty in acting in anything resembling concert also means that its oversight powers are diminished to the point of invisibility. During the budget debate, for example, there were astute and serious members who asked to see an accounting for previous years' expenditures, as required by the constitution. But with the COR pulling in various directions, the government was able to stonewall, ultimately giving the COR nothing. Related to this, the COR is only occasionally able to muster the three-fifths majority required to override Presidency Council second vetoes of legislation it produces, resulting in COR measures often going into the trashbin. A corrosive effect on Iraq's democracy of this governance stalemate and standoff is the public's low regard for the COR and their representatives in it. Without reliable polling data it is hard to judge this, but the generally held impression of the Council appears to

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be very negative, with most people who give it any thought seeing it as a high-maintenance and low-output operation that

is doing little to benefit the public.

¶11. (C) Whatever its faults, the Council of Representatives is a freely elected body where all segments of Iraq's society are represented. The members are free to speak their minds, perhaps sometimes a little too freely. It is a far cry from the robotic assembly of the Saddam Hussein dictatorship. The absence of a participatory democracy for so long obviously affects the COR's performance now, with members grappling with basic questions about how to overcome longstanding grievances, how to represent their constituents, and conflicting visions of the national interest. Given the magnitude of Iraq's problems and its grievous history, its parliament cannot be expected to perform efficiently and cooperatively. The fact that they are talking at all is what is important. A gradual turnaround from conflict toward greater cooperation is the best anyone can hope for. The more they do so, the more they are able to find points of common interest, and the more they can turn the COR into an incubator for proposals that cross the sectarian and ethnic divides, the better off this country will be. For Iraq's experiment in democracy to succeed it has to succeed in the council of the representatives of the people. For our part, whatever we -- in concert with others -- invest in encouraging and supporting this body that is at the core of Iraq's democracy would be effort well-spent.

CROCKER